

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
TENTATIVE
ORDER NO. R9-2003-0179
NPDES PERMIT NO. CA0107492**

**WASTE DISCHARGE REQUIREMENTS FOR THE
PADRE DAM MUNICIPAL WATER DISTRICT
PADRE DAM WATER RECYCLING FACILITY
DISCHARGE TO
SYCAMORE CREEK AND THE SAN DIEGO RIVER
SAN DIEGO COUNTY**

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The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On June 10, 1998, this Regional Board adopted Order No. 98-60, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0107492, *Waste Discharge Requirements for Padre Dam Municipal Water District (PDMWD) Padre Dam Water Recycling Facility (PDWRF) Discharge to Sycamore Creek and the San Diego River, San Diego County*. Order No. 98-60 established requirements for the discharge of up to 2.0 million gallons per day (MGD) of tertiary treated municipal wastewater from the PDWRF through the Santee Lakes, to Sycamore Creek, tributary to the San Diego River.
2. On December 10, 1997, this Regional Board adopted Order No. 97-49, *Waste Discharge and Water Recycling Requirements for the Production and purveyance of Recycled Water for Padre Dam Municipal Water District*. Order No. 97-49 establishes requirements for the discharge to land of up to 2.0 MGD from the PDWRF.
3. Pursuant to Reporting Requirement E.14 of Order No. 98-60, PDMWD was required to submit their report of waste discharge 180 days prior to the June 21, 2003 expiration date. On December 20, 2002, the PDMWD submitted a complete NPDES permit application for the renewal of Order No. 98-60. Since the discharger has submitted a complete application for renewal of the NPDES permit, Order No. 98-60 is administratively extended until the adoption of tentative Order No. R9-2003-0179 pursuant to Title 40 of the Code of Federal Regulations (CFR), Part 122.41(b) [40 CFR 122.41(b)].
4. PDMWD owns and operates the PDWRF located in Sycamore Canyon in Santee, California (Latitude- 32 Deg. 50 Min. 30 Sec. North, Longitude- 117 Deg. 00 Min. 10 Sec. West). The PDWRF has a design capacity of 2.0 mgd. PDMWD collects wastewater from City of Santee, a portion of the City of El Cajon, and portions of the unincorporated communities of Alpine, Blossom Valley, Crest, Dehesa, El Cajon, Flinn Springs, Harbison Canyon, and Lakeside. Total wastewater collection within the PDMWD sewered area for year 2002 (through October 2002) averaged 4.98 MGD. Of this total, 3.27 MGD was directed to the City of San Diego Metropolitan (Metro) wastewater collection system and 1.71 MGD was directed to the PDWRF. The average discharge to Lake No. 7 was 0.8 MGD and the average

discharge from Lake No. 1 to Sycamore Creek was 0.7 MGD. Monthly average flow rates from Lake No. 1 to Sycamore Creek ranged from 1.5 MGD in the winter to no discharge during the summer.

5. The PDWRF has primary, secondary, and tertiary treatment processes. Primary clarifiers remove settleable solids and floating material, which are directed back into the Metro system. Secondary treatment is provided through the Bardenpho process that involves a series of aeration and anoxic stages to achieve biological removal of nitrogen and phosphorous. After biological treatment, flow is directed to secondary clarifiers where settleable solids and floating material is removed. The waste sludge is directed to the Metro system. The tertiary process is designed to comply with the State of California Department of Health Services (DHS) regulations for "disinfected, filtered wastewater" for unrestricted use of recycled wastewater. Tertiary treatment is provided through alum and polymer addition, flocculation and sedimentation, denitrifying filtration, chlorination, and dechlorination.
6. The effluent from the PDWRF not recycled is discharged to the Santee Lakes, a series of seven man-made lakes. PDMWD owns and operates the Santee Lakes as a recreational facility. These artificial lakes are not waters of the United States. Effluent first enters Lake No. 7 and flows by gravity through each lake until eventually reaching Lake No. 1, which flows into Sycamore Creek, a tributary of the San Diego River. Sycamore Creek flows through decorative ponds within the Carlton Oaks Country Club golf course for approximately one mile before entering the San Diego River.
7. The Lower San Diego River is a 20-mile urban waterway in the San Diego River Watershed of Region 9 with year-round flow. The San Diego River originates in the East County, passing through Lakeside and Santee, and then runs parallel to Interstate 8 all the way to the Pacific Ocean coastline where it discharges near Ocean Beach. The lower portion of the river begins just north of Lake Jennings, near the town of Lakeside.
8. In accordance with Section 2200, Title 23 of the California Code of Regulations (CCR), the threat to water quality and complexity of the discharge from the SBWRF is determined to be category 1A.
9. The terms, conditions, and limitations of this Order have been developed to protect the beneficial uses and water quality of the receiving waters, including groundwater basins.
10. The *Water Quality Control Plan, San Diego Basin (9)* (hereinafter Basin Plan) was adopted by this Regional Board on September 8, 1994 and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses, narrative and numerical water quality objectives, and prohibitions, which are applicable to the discharge regulated under this NPDES permit.
11. The discharge point is located in the Sycamore Canyon portion of the San Diego River watershed. The Basin Plan identifies the following beneficial uses of surface waters of the

Mission San Diego and Santee Hydrologic Subareas (HSA 7.11 and HSA 7.12), which includes Sycamore Creek and the San Diego River:

- a. agricultural supply (AGR)
 - b. industrial service supply (IND)
 - c. contact and non-contact water recreation (REC1 and REC2)
 - d. warm freshwater habitat (WARM)
 - e. cold freshwater habitat (COLD)
 - f. wildlife habitat (WILD)
 - g. preservation of rare, threatened or endangered species (RARE)
12. The Basin Plan identifies the following beneficial uses of ground waters of the Mission San Diego and Santee Hydrologic Subareas (HSA 7.11 and HSA 7.12):
 - a. municipal and domestic supply (MUN)
 - b. industrial service and process supply (IND and PROC)
 - c. agricultural supply (AGR)
13. In order to protect designated beneficial uses, the Basin Plan establishes water quality objectives (for bacteriological, physical, chemical, and biological characteristics, and for radioactivity), general requirements for management of waste discharged to the inland surface waters, quality requirements for waste discharges (effluent quality requirements), discharge prohibitions, and general provisions. The Basin Plan also contains prohibitions applicable to surface waters subject to tidal influence and for inland surface waters. The applicable prohibitions and discharge provisions of the Basin Plan have been incorporated herein.
14. The Basin Plan establishes surface and ground water quality objectives for HSAs 7.11 and 7.12. These objectives are identified in Tables 3-2 and 3-3 of the Basin Plan. The table below identifies the most restrictive water quality objectives for any of these HSAs (the concentrations listed may not be exceeded more than 10% of the time during any one year period).

Constituent	Unit	Surface Water	Ground Water
Total Dissolved Solids (TDS)	mg/l	1000	1000
Chloride	mg/l	400	400
Sulfate	mg/l	500	500
Percent Sodium	%	60	60
Nitrogen & Phosphorous	mg/l	*	--
Nitrate	mg/l	--	45
Iron	mg/l	1.0	0.3
Manganese	mg/l	1.0	0.05
Methylene Blue Active Substances (MBAS)	mg/l	0.5	0.5
Boron	mg/l	1.0	0.75

Constituent	Unit	Surface Water	Ground Water
Odor	--	None	None
Turbidity	NTU	20	5
Color	Units	20	15
Fluoride	mg/l	--	1.0
<p>* = Concentrations of nitrogen and phosphorous, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total phosphorous (P) concentrations shall not exceed 0.05 mg/L in any stream at the point where it enters any standing body of water, nor 0.025 mg/L in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/L total P. These values are not to be exceeded more than 10% of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the Regional Board. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorous are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P = 10:1 shall be used.</p>			

15. Order No. 98-60 established alternate effluent limitations for nitrogen and phosphorus in accordance with Chapter 4 of the Basin Plan, with the condition that the discharger develop and implement a watercourse monitoring and management plan (WMMP). The data generated from the WMMP indicates that the total nitrogen and total phosphorous concentrations in the downstream receiving waters are greater than the Basin Plan objectives of 1.0 and 0.1 mg/L, respectively. Furthermore, this Order contains revised nutrient effluent mass emission rate (MER) limitations in accordance with the objectives established in the Basin Plan.
16. Preliminary benthic macroinvertebrate analyses performed in the lower San Diego River receiving waters (downstream of the discharge) in 1998, 1999, and 2000 indicate a "fair to poor" index of biotic integrity (IBI), which is a multimetric analytical approach recommended by the United States Environmental Protection Agency (USEPA) for assessing the overall "ecological health" of an aquatic community. However, there is no correlation established between the elevated nutrient loading and the "fair to poor" rating.
17. The SWRCB adopted the 2002 Clean Water Act section 303(d) list of water quality limited segments at its February 4, 2003 Board Meeting. The list was approved by the United States Environmental Protection Agency (USEPA) Region 9 on July 25, 2003. The Lower San Diego River (HSA 7.11 and HSA 7.12) is listed as an impaired water body due to elevated fecal coliform, low dissolved oxygen, elevated phosphorus, and elevated total dissolved solids. If/when Waste Load Allocations (WLAs) are calculated in accordance with Total Maximum Daily Load (TMDL) procedures, the limits contained in this or subsequent Orders will be modified accordingly.
18. The discharger is not required to have a pretreatment program pursuant to Section 307 of the Clean Water Act; Parts 35 and 403 of Title 40, Code of Federal Regulations (40 CFR 35 and 40 CFR 403); and/or Section 2233, Article 4, Subchapter 9, Chapter 3, Title 23, California Code of Regulations, because the discharge is less than 5 MGD. However, the City of San Diego, through agreement with the PDMWD, does regulate industries in the PDMWD service area.

19. On November 16, 1990, the USEPA promulgated NPDES permit application requirements for stormwater discharges (40 CFR Parts 122, 123, and 124) which are applicable to the PDMWD PDWRF. On April 17, 1997 the State Water Resources Control Board (SWRCB) adopted Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities. Stormwater discharges from PDMWD's PDWRF are subject to the terms and conditions of Water Quality Order No. 97-03-DWQ.
20. Effluent limitations, industrial pretreatment standards, biosolid use and disposal regulations, and criteria established under Sections 208(b) , 301, 302, 303(d) , 304, 306, 307, 403 and 405 of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), are applicable to the discharge.
21. The Regional Board, in establishing the requirements contained herein, has taken into consideration the requirements of the State and Federal "antidegradation" policies and has determined that:
 - a. The terms and conditions of this Order require that the existing beneficial uses and water quality of the San Diego River and/or its tributaries be maintained and protected;
 - b. The discharge from the PDWRF to the San Diego River and/or its tributaries in accordance with approved plans indicated in the findings is necessary to accommodate economic and social development important to the people of the communities of the San Diego region;
 - c. No surface waters covered under the terms and conditions of this Order have been designated an outstanding national resource water by the State Water Resources Control Board; and
 - d. No surface waters covered under this order have been designated as Areas of Special Biological Significance (ASBS) by the State Water Resources Control Board.
22. The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16 and finds that a discharge in compliance with this Order is consistent with these Antidegradation Policies.
23. This Order complies with Section 402(o) of the Federal Clean Water Act, and the implementing regulations of 40 CFR 122.44(l) which prohibit the establishment of effluent limits in a renewed, reissued or modified NPDES permits that are less stringent than the limits established in the previous permit.

24. This Order shall serve as an NPDES permit for the discharge of treated wastewater from the PDMWD PDWRF to Sycamore Creek, the San Diego River, and/or its tributaries pursuant to Section 402 of the CWA and amendments thereto.
25. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
 - a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
 - b. Other waste discharges;
 - c. The need to prevent nuisance;
 - d. Past, present, and probable future beneficial uses of the waters under consideration;
 - e. Environmental characteristics of the waters under consideration;
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - g. Economic considerations; and
 - h. The need for developing housing within the region.
26. The issuance of waste discharge requirements for this discharge is exempt from the requirement for preparation of environmental documents under the CEQA (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.
27. The Regional Board has considered all water resource related environmental factors associated with the discharge of treated wastewater from PDMWD's PDWRF to Sycamore Creek, the San Diego River, and/or its tributaries.
28. The Regional Board has notified PDMWD and all known interested parties of its intent to issue NPDES permit requirements for the proposed discharge of waste.
29. The Regional Board has, at a public meeting, heard and considered all comments pertaining to the discharge of treated wastewater from PDMWD's PDWRF to Sycamore Creek, the San Diego River, and/or its tributaries.

IT IS HEREBY ORDERED, that PDMWD (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. Compliance with the Waste Discharge Prohibitions, as stated in the 1994 Basin Plan (Attachment 1), is required as a condition of this order.
2. Discharge to the San Diego River and contiguous waters from the PDWRF at average daily flowrate in excess of 2.0 MGD is prohibited.
3. The discharge of waste at point(s) other than the discharge point from Lake No. 1 to Sycamore Creek, which have not been specifically described in the report of waste discharge and for which valid waste discharge requirements are not in force, is prohibited.
4. The discharge of oil, trash or other solids directly to surface water or in any manner which may permit it to be washed into a surface water is prohibited.
5. The discharge of municipal and industrial waste sludge and untreated sludge digester supernatant, centrate, or filtrate to the San Diego River and/or its tributaries is prohibited.
6. The deposition of rubbish or refuse into surface waters or at any place where they would be eventually transported to the San Diego River and/or its tributaries is prohibited.
7. The discharge of waste shall not cause surface erosion or scouring of aquatic substrates.
8. The discharge of any substances in concentrations toxic to human, animal, plant or aquatic life is prohibited.

B. DISCHARGE SPECIFICATIONS

The discharge of treated wastewater from the PDWRF to Sycamore Creek, the San Diego River or its tributaries containing pollutants in excess of the following effluent limitations is prohibited:

1. The monthly average percent removal for Biochemical Oxygen Demand (BOD, performed at 20°C for 5 days) shall not be less than 85%.
2. The monthly average percent removal for Total Suspended Solids (TSS) shall not be less than 85%.
3. Total coliform concentration of the effluent shall not exceed a MPN (most probable number) of 2.2 per 100 mL, based on the median of the results of the last 7 days for which analyses

have been completed; and shall not exceed a MPN of 23 per 100 mL in more than one sample in any 30-day period. No samples shall exceed an MPN of 240/100 mL.

4. Turbidity concentration of the effluent shall not exceed a daily average value of 2 Nephelometric Turbidity Units (NTU), shall not exceed 5 NTU more than 5% of the time during a 24-hour period, and shall not exceed 10 NTU at any time.

5. Limitations for Major Properties of Wastewater

Constituent	Unit	Limit		
		Daily Maximum	Weekly Average	Monthly Average
BOD	mg/l	25	23	15
	lb/day	417	375	250
TSS	mg/l	25	23	15
	lb/day	417	375	250
oil and grease	mg/l	7.5	--	5
	lb/day	125		83
chlorine residual	µg/l	20	8.0	2.0
	lb/day	0.33	0.13	0.033
pH	units	Between 6.5 and 8.5 at all times		

6. California Toxics Rule (CTR) Effluent Limitations

Constituent	Unit	Limit	
		Daily Maximum	Monthly Average
bis (2-ethylhexyl) phthalate	µg/L	12	5.9
	lb/day	0.20	0.098

7. Limitations for Basin Plan Constituents

Constituent	Unit	Limit	
		Daily Maximum	12-month Average
total dissolved solids	mg/L	1000	--
	lb/day	25,020	--
percent sodium	%	60	--
chloride	mg/L	400	--
	lb/day	6,672	--
sulfate	mg/L	500	--
	lb/day	8,340	--
nitrogen (total)	mg/L	--	--
	lb/day	--	17

Constituent	Unit	Limit	
		Daily Maximum	12-month Average
phosphorous (total)	mg/L	--	--
	lb/day	--	1.7
nitrate	mg/L	45	--
	lb/day	751	--
iron	mg/L	0.3	--
	lb/day	5.0	--
manganese	mg/L	0.05	--
	lb/day	0.83	--
MBAS	mg/L	0.5	--
	lb/day	8.3	--
boron	mg/L	0.75	--
	lb/day	13	--
color	Units	20	--
fluoride	mg/L	1.0	--
	lb/day	17	--
ammonia (un-ionized)	mg/L	0.025	--
	lb/day	0.42	--
odor	units	none	none

C. RECEIVING WATER LIMITATIONS

The discharge from the PDWRF shall not, by itself or jointly with any other discharge, cause violations of the following receiving water quality objectives:

1. Bacteriological standards

- a. In waters designed for contact recreation (REC1) the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 ml, nor shall more than 10 percent of total samples during any 30-day period exceed 400/100 ml.
- b. In waters designated for noncontact recreation (REC2), and not designated for contact recreation (REC1), the average fecal coliform concentration for any 30-day period, shall not exceed 2,000 per 100 ml nor shall more than 10 percent of samples collected during any 30-day period exceed 4,000 per 100 ml.
- c. In waters designated for contact recreation (REC1) the monthly average *E. coli* concentration shall not exceed 126/100 ml and the maximum concentration shall not exceed 576/100 ml.

- d. In bays and estuaries, the most probable number of coliform organisms in the upper 60 feet of the water column shall be less than 1,000 per 100 ml provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml, and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml.
 - e. At all areas where shellfish may be harvested for human consumption (SHELL), the median total coliform concentration for any 30-day period shall not exceed 70 per 100 ml nor shall more than 10 percent of the samples collected during any 30-day period exceed 230 per 100 ml for a five-tube decimal dilution test or 330 per 100 ml when a three-tube decimal dilution test is used.
2. Dissolved oxygen (DO) levels shall not be less than 5.0 mg/l in inland surface waters with designated WARM beneficial uses or less than 6.0 mg/l in waters designated as COLD beneficial uses. The annual mean dissolved oxygen concentration shall not be less than 7.0 mg/l more than 10 percent of the time.
 3. Changes in normal ambient pH levels shall not exceed 0.5 units. The pH shall not be depressed below 6.5 nor raised above 8.5 units.
 4. The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH_3) to exceed 0.025 mg/L (as N).
 5. Concentrations of nitrogen and phosphorous, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth.
 6. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses. The natural color of fish, shellfish or other resources shall not be impaired.
 7. Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses.
 8. Waters shall not contain oils, greases, waxes or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which adversely affect beneficial uses.
 9. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.
 10. The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
 11. Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.

12. Waters shall not contain taste or odor producing substances at concentrations which cause a nuisance or adversely affect beneficial uses. The natural taste and odor of fish, shellfish or other regional water resources used for human consumption shall not be impaired.
13. The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alterations in temperature does not adversely affect beneficial uses.
14. All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance will be determined by use of indicator organisms, analysis of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods, as specified by the Regional Board.
15. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

D. PROVISIONS

1. The discharge shall comply with the attached Monitoring and Reporting Program No. R9-2003-0179.
2. The discharger must comply with all conditions of this Order. Any permit noncompliance constitutes a violation of the CWA and the California Water Code, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of an application for permit renewal, modification, or reissuance.
3. The discharger must comply with all standard provisions, where applicable, as stated in 40 CFR 122 (see Attachment No. 2) and Additional Standard Provisions (Attachment No. 3), which are incorporated into this permit by reference.
4. The discharger shall comply with all existing federal and state laws and regulations that apply to its sewage sludge use and disposal practice(s), and with the CWA Section 405(d) and 40 CFR Part 257.
5. The discharger shall report sewer overflow events that occur at the PDWRF. For purposes of this provision, a sewer overflow event is a discharge of treated or untreated wastewater at a location not authorized by waste discharge requirements and/or NPDES permit which results from a pump station failure, sewer line break, obstruction, surcharge, or any other operational dysfunction. This requirement applies to all sewer overflow events other than those events subject to regulation under this Regional Board's Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*.
 - a. If a sewer overflow event results in a discharge of 1,000 gallons or more, or results in a discharge to surface waters (any volume), the discharger shall report the sewer overflow

event to the Regional Board by any available means, including telephone, voice mail, or FAX, within 24 hours from the time that 1) discharger has knowledge of the sewer overflow, 2) notification is possible, and 3) notification can be provided without substantially impeding cleanup or other emergency measures. Notification may be made after normal business hours by leaving a message for the Regional Board on voice mail or FAX.

- (1) For the purpose of this requirement, surface waters include navigable waters, rivers, streams (including ephemeral streams), lakes, playa lakes, natural ponds, bays, the Pacific Ocean, lagoons, estuaries, man-made canals, ditches, dry arroyos, mudflats, sandflats, wet meadows, wetlands, swamps, marshes, sloughs and water courses, and storm drains tributary to surface waters. The term includes waters of the United States as used in the federal Clean Water Act (see 40 CFR 122.2)
 - (2) The information reported to the Regional Board in the initial report shall include the name and phone number of the person reporting the sanitary sewer overflow, the responsible sanitary sewer system agency, the estimated total sewer overflow volume, the location, the receiving waters, whether or not the sewer overflow is still occurring at the time of the report, and confirmation that the local health services agency was or will be notified as required under the reporting requirements of the local health services agency.
- b. If the sewer overflow event results in a discharge of 1,000 gallons or more, or results in a discharge to surface waters (any volume), the discharger shall complete a copy of the Sanitary Sewer Overflow Form attached to Monitoring and Reporting Program No. 96-04, and submit the completed Sanitary Sewer Overflow Report form, along with any additional correspondence, to the Regional Board no later than 5 days following the starting date of the sanitary sewer overflow. Additional correspondence and follow-up reports should be submitted to the Regional Board, as necessary, to supplement the Sanitary Sewer Overflow Report Form to provide detailed information on cause, response, adverse effects, corrective actions, preventative measures, or other information.
 - c. The discharger shall report all sewer overflows, regardless of volume or final destination, in the next quarterly self-monitoring report, in accordance with the format described in Order No. 96-04.
6. The discharger shall also notify the Regional Board, the California Department of Health Services (DHS), and the San Diego County Department of Environmental Health (DEH) within 24 hours of when it becomes aware of any of the following:
 - a. Failure of chlorination equipment
 - b. Effluent Total Coliform bacteria greater than 240 MPN/100 mL.
 - c. Effluent turbidity greater than 10 NTU
 - d. CT less than 450 mg-min./L

7. Within 180 days from the adoption of this Order, the discharger shall submit a revised Engineering Report for the PDWRF, in accordance with guidelines established under Title 22 CCR, Articles 7 through 10, to the RWQCB, and the DHS. This report shall include the results of:
 - a. An alarm simulation shut down test, in the presence of a staff member from the Regional Board and a sanitary engineer from the California DHS, to ensure that the PDWRF is properly operating.
 - b. The modal contact time of the chlorination chamber, as defined under Title 22, Division 4, Chapter 3, Section 60301.600, from a tracer study conducted to ensure that the effluent meets the requirements of Title 22.
8. Chlorination shall be with a disinfection process providing a CT (chlorine concentration times modal contact time) value of at least 450 mg-min/liter at all times at the end of the contact chamber, with a minimum modal chlorine contact time of at least 90 minutes, based on peak dry weather design flow.
9. The discharger shall submit reports and provide notifications to the Regional Board and other agencies as specified in this Order. Reports and notifications submitted to the Regional Board shall be made to:

California Regional Water Quality Control Board
San Diego Region
POTW Compliance Unit
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340
Telephone: (858) 467-2952
Fax: (858) 571-6972

10. The discharger shall maintain a Sewer Overflow Prevention Plan (SOPP), specific to the treatment facility and the downstream conveyance system, in an up-to-date condition and shall amend the SOPP whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sewerage system or sewerage facilities) which materially affects the potential for sewer overflows. The discharger shall review and amend the SOPP as appropriate after each sewer overflow from the facility. The SOPP and any amendments thereto, shall be subject to the approval of the Executive Officer and shall be modified as directed by the Executive Officer. The discharger shall submit the SOPP and any amendments thereto to the Executive Officer upon request of the Executive Officer. The discharger shall ensure that the up-to-date SOPP is readily available to facility personnel at all times and that facility personnel are familiar with it.
11. The discharger shall maintain a Sewer Overflow Response Plan (SORP), specific to the treatment facility and the downstream conveyance system. The SORP shall establish procedures for responding to overflows from the facility so as to (a) minimize the overflow

volume which enters surface waters, and (b) minimize the adverse effects of overflows on water quality and beneficial uses. The discharger shall maintain the SORP in an up-to-date condition and shall amend the SORP as necessary to accomplish these objectives. The discharger shall review and amend the SORP as appropriate after each overflow. The SORP, and any amendments thereto, shall be subject to the approval of the Executive Officer and shall be modified as directed by the Executive Officer. The discharger shall submit the SORP and any amendments thereto to the Executive Officer upon request of the Executive Officer. The discharger shall ensure that the up-to-date SORP is readily available to facility personnel at all times and that facility personnel are familiar with it.

12. Appropriate Treatment Plant Operations and Maintenance (O&M) manual(s) shall be posted at a prominent location at the permitted treatment or disposal facility, and shall be available to operating and/or on-site personnel at all times. The O&M manual(s) shall be prepared, revised, and/or updated by qualified engineers to account for any changes in plant operations or processes. The O&M manual(s) shall be reviewed by the discharger at least once every three years. The discharger shall certify, in writing, to this RWQCB that appropriate, updated, and accurate O&M manual(s) are utilized at the treatment or disposal facility, or that modifications to the manual(s) are required, the details of the revisions necessary, and the date and method of completion.
13. Supervisors and operators of the discharger's wastewater treatment facilities shall possess a certificate of appropriate grade in accordance with Chapter 14 of Division 4 of Title 23 of the California Code of Regulations. All operating personnel will be of appropriate grade to perform the operations and/or maintenance they are assigned to. The Annual Report will include the grade certifications of all operating personnel and summaries of any training received in the previous calendar year.
14. All proposed new treatment facilities and expansions of existing treatment facilities shall be completely constructed and operable prior to initiation of the discharge from the new or expanded facilities. The discharger shall submit a certification report for each new treatment facility, expansion of an existing treatment facility, and re-rating of an existing treatment facility. For new treatment facilities and expansions, the certification report shall be prepared by the design engineer. For re-ratings, the certification report shall be prepared by the engineer who evaluated the treatment facility capacity. The certification report shall:
 - a. Identify the design capacity of the treatment facility;
 - b. Certify the adequacy of each component of the treatment facility; and
 - c. Contain a requirement-by-requirement analysis, based on acceptable engineering practices, of how the process and physical design of the facility will ensure compliance with this Order.

The signature and engineering license number of the engineer preparing the certification report shall be affixed to the report. The certification report, should, if possible, be submitted prior to beginning construction. The discharger shall not initiate a discharge from a new treatment facility or initiate a discharge from an existing treatment facility at a 30-day average dry weather flowrate in excess of its previously approved design capacity until:

- a. The certification report is received by the Executive Officer;
 - b. The Executive Officer has received written notification of the completion of construction (new treatment facilities and expansions only); and
 - c. An inspection of the plant has been made by the Regional Board staff (new treatment facilities and expansions only).
 - d. The Executive Officer has provided the discharger with written authorization to discharge at a 30-day average dry weather flowrate not to exceed the revised design capacity.
15. All waste treatment, containment and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
16. All waste treatment, containment and disposal facilities shall be protected against erosion, overland runoff and other impacts resulting from a 100-year frequency 24-hour storm.
17. This Order expires September 10, 2008, after which, the terms and conditions of this permit are automatically continued pending issuance of a new permit provided that all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40CFR 122.6, 23 CCR 2235.4].
18. Order No. 98-60 is rescinded when this Order becomes effective.

E. BIOSOLID REQUIREMENTS

1. Management of all solids and biosolid must comply with all requirements of 40 CFR Parts 257, 258, 501, and 503; CWA Part 405(d); and CCR Title 27, including all monitoring, record-keeping, and reporting requirements. Since the State of California, hence the Regional and State Boards, has not been delegated the authority by the USEPA to implement the biosolid program, enforcement of biosolid requirements of CFR Part 503 is under USEPA's jurisdiction.
2. All solids and biosolid must be disposed of in a municipal solid waste landfill, reused by land application, or disposed of in a biosolid-only landfill in accordance with 40 CFR Parts 503 and 258, and CCR Title 27. If the discharger decides to dispose of solids or biosolid by a different method, a request for permit modification must be submitted to the USEPA and this Regional Board 180 days prior to alternative disposal.
3. Solids, and biosolid treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.
4. The solid and biosolid treatment and storage sites shall have facilities adequate to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and prevent drainage from the treatment and storage sites. Adequate protection is defined as protection from at least a 100-year storm and protection from the highest possible tidal stage that may occur.

5. The discharge of sewage biosolid and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited in the waters of the state.
6. The discharger shall submit a copy of each of the annual reports required by 40 CFR 503 to this Regional Board at the same time those reports are submitted to the USEPA. The discharger shall also submit an annual report of the quantity and disposition of biosolid generated in the previous calendar year.

I, John H. Robertus, Executive Officer of the San Diego Regional Water Quality Control Board, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on September 10, 2003.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer

ATTACHMENT NO. 1

1994 WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) WASTE DISCHARGE PROHIBITIONS

California Water Code Section 13243 provides that a Regional Board, in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person as defined by Section 13050(c) of the California Water Code and to any person who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the San Diego Region.

1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code Section 13050, is prohibited.
2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264, is prohibited.
3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited
4. The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited.
5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the Regional Board. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability.
6. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.
7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board.
8. Any discharge to a storm water conveyance system that is not composed entirely of storm water is prohibited unless authorized by the Regional Board. (The federal regulations,

40CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharge resulting from fire fighting activities.) (§122.26 amended at 56 FR 56553, November 5, 1991 57 FR 11412, April 2, 1992).

9. The authorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.
10. The discharge of industrial wastes to conventional septic tank/subsurface disposal systems, except as authorized by the terms described in California Water Code Section 13264, is prohibited.
11. The discharge of radioactive waste amenable to alternative methods of disposal into the waters of the state is prohibited.
12. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.
13. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the Regional Board.
14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
15. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.
16. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
17. The discharge of treated sewage from vessels to portion of San Diego Bay that are less than 30 feet deep at mean lower low water (MLLW) is prohibited.
18. The discharge of treated sewage from vessels, which do not have a properly functioning US Coast Guard certified Type I or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep a mean lower low water (MLLW) is prohibited.

ATTACHMENT NO. 2

40 CFR STANDARD PROVISION REFERENCES

40 CFR 122.1 Purpose and scope

40 CFR 122.1(a) and (b).

40 CFR 122.2 Definitions

40 CFR 122.2(all).

40 CFR 122.3 Exclusions

40 CFR 122.3(a) through (g).

40 CFR 122.4 Prohibitions (applicable to State programs, see Section 123.25).

40 CFR 122.4(a) through (i).

40 CFR 122.5 Effect of a permit (applicable to State programs, see Section 123.25).

40 CFR 122.5(a) through (c).

40 CFR 122.6 Continuation of expiring permits

40 CFR 122.6(b) through (d).

40 CFR 122.7 Confidentiality of information (applicable to State programs, see Section 123.25).

40 CFR 122.7 (a) through (c).

40 CFR 122.21 Application for a Permit (applicable to State programs, see Section 123.25).

40 CFR 122.21(a) through (q).

40 CFR 122.22 Signatories to permit applications and reports (applicable to State programs, see Section 123.25).

(a) Applications. All applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the

corporation, or (ii) the manager of one or more manufacturing, production, operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in Section 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under §122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- (b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (3) The written authorization is submitted to the Director.
- (c) Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this

section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

- (d) Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

40 CFR 122.23 Concentrated animal feeding operations (applicable to State programs, see Section 123.25).

40 CFR 122.23(a) through (c).

40 CFR 122.24 Concentrated aquatic animal production facilities (applicable to State programs, see Section 123.25).

40 CFR 122.24(a) through (c).

40 CFR 122.25 Aquaculture projects (applicable to State programs, see Section 123.25).

40 CFR 122.25(a) and (b).

40 CFR 122.26 Storm water discharges (applicable to State programs, see Section 123.25).

40 CFR 122.26(a) through (g).

40 CFR 122.27 Silvicultural activities (applicable to State programs, see Section 123.25).

40 CFR 122.27(a) and (b).

40 CFR 122.28 General permits (applicable to State programs, see Section 123.25).

40 CFR 122.28(a) and (b).

40 CFR 122.29 New sources and new dischargers.

40 CFR 122.29(a) through (d).

40 CFR 122.30 through 122.37 (Various sections on regulation of small MS4's).

40 CFR 122.41 Conditions applicable to all permits (applicable to State programs, see Section 123.25).

The following conditions apply to all NPDES permits. Additional conditions applicable to NPDES permits are in Section 122.42. All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

- (a) Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
- (1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- (2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act,

and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- (3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
- (b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
- (c) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (d) Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (e) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- (f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- (g) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

- (h) Duty to provide information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.
- (i) Inspection and entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:
- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.
- (j) Monitoring and records.
- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
 - (3) Records of monitoring information shall include:
 - i) The date, exact place, and time of sampling or measurements;
 - ii) The individual(s) who performed the sampling or measurements;
 - iii) The date(s) analyses were performed;

- iv) The individual(s) who performed the analyses;
 - v) The analytical techniques or methods used; and
 - vi) The results of such analyses.
- (4) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.
- (5) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (k) Signatory requirement.
- (1) All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22)
 - (2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (l) Reporting requirements.
- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in §122.29(b); or
 - ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants, which are subject neither to effluent limitations in the permit, nor to notification requirements under §122.42(a)(1).
 - iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the

application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- (3) Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See §122.61; in some cases, modification or revocation and reissuance is mandatory.)
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- (5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (6) Twenty-four hour reporting.
 - i) The permittee shall report any noncompliance, which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it

is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- ii) The following shall be included as information, which must be reported within 24 hours under this paragraph.
 - A. Any unanticipated bypass which exceeds any effluent limitation in the Permit (See 40 CFR 122.41(g)).
 - B. Any upset which exceeds any effluent limitation in the permit.
 - C. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g)).
 - iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.
- (7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.
- (8) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

(m) Bypass.

- (1) Definitions.
- i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(3) and (m)(4) of this section.

(3) Notice

- i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(4) Prohibition of bypass.

- i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - C. The permittee submitted notices as required under paragraph (m)(3) of this section.
- ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

(n) Upset

- (1) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- (3) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii) The permitted facility was at the time being properly operated; and
 - iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24-hour notice).
 - iv) The permittee complied with any remedial measures required under paragraph (d) of this section.
- (4) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

40 CFR 122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see Section 123.25).

The following conditions, in addition to those set forth in Section 122.41, apply to all NPDES permits within the categories specified below:

- (a) Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under Section 122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
- (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - i) One hundred micrograms per liter (100 ug/l);
 - ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Sec. 122.21(g)(7); or
 - iv) The level established by the Director in accordance with Section 122.44(f).
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:

- i) Five hundred micrograms per liter (500 ug/l);
 - ii) One milligram per liter (1 mg/l) for antimony;
 - iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 122.21(g)(7).
 - iv) The level established by the Director in accordance with Sec. 122.44(f).
- (b) Publicly owned treatment works. All POTWs must provide adequate notice to the Director of the following:
- (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
 - (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (3) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under Sections 122.26(d)(2)(iv) and (d)(2)(v) of this part;
 - (4) A summary of data, including monitoring data, that is accumulated throughout the reporting year;
 - i) effluent introduced into the POTW, and
 - ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (c) Municipal separate storm sewer systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Director under Sec. 122.26(a)(1)(v) of this part must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:
- (1) The status of implementing the components of the storm water management program that are established as permit conditions;
 - (2) Proposed changes to the storm water management programs that are established as permit condition. Such proposed changes shall be consistent with Section 122.26(d)(2)(iii) of this part; and
 - (3) Annual expenditures and budget for year following each annual report;

(4) A summary describing the number and nature of enforcement actions, inspections, and public education programs;

(5) Identification of water quality improvements or degradation;

(d) Storm water discharges. The initial permits for discharges composed entirely of storm water issued pursuant to Section 122.26(e)(7) of this part shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

40 CFR 122.43 Establishing permit conditions (applicable to State programs, see Section 123.25).

40 CFR 122.43(a) through (c).

40 CFR 122.44 Establishing limitations, standards, and other permit conditions (applicable to State programs, see Section 123.25).

40 CFR 122.44(a) through (s).

40 CFR 122.45 Calculating NPDES permit conditions (applicable to State programs, see Section 123.25).

40 CFR 122.45(a) through (h).

40 CFR 122.46 Duration of permits (applicable to State programs, see Section 123.25).

40 CFR 122.46(a) through (e).

40 CFR 122.47 Schedules of compliance (applicable to State programs, see Section 123.25).

40 CFR 122.47(a) and (b).

40 CFR 122.48 Requirements for recording and reporting of monitoring results. (applicable to State programs, see Section 123.25).

40 CFR 122.48(a) through (c).

40 CFR 122.49 Considerations under Federal law.

40 CFR 122.49(a) through (g).

40 CFR 122.50 Disposal into wells, into publicly owned treatment works (applicable to State programs, see Section 123.25).

40 CFR 122.50(a) through (c).

40 CFR 122.61 Transfer of permits (applicable to State programs, see Section 123.25).

40 CFR 122.61(a) through (b).

40 CFR 122.62 Modification or revocation and reissuance of permits (applicable to State programs, see Section 123.25).

40 CFR 122.62(a) through (b).

40 CFR 122.63 Minor modifications of permits.

40 CFR 122.63(a) through (g).

40 CFR 122.64 Termination of permits (applicable to State programs, see Section 123.25).

40 CFR 122.64(a) through (b)

Note: The sections of 40 CFR Standard Provisions listed above that are not quoted verbatim can be obtained through the following website: www.access.gpo.gov.

ATTACHMENT NO. 3

ADDITIONAL STANDARD PROVISIONS

1. *Review and revision of permit:* Upon application by any affected person, or on its own motion, the SDRWQCB may review and revise this permit. All requirements shall be reviewed periodically. [CWC 13263(e)]
2. *Termination or modification of permit:* This permit may be terminated or modified for causes, including, but not limited to, all of the following:
 - (a) Violation of any condition contained in this permit.
 - (b) Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.
 - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. [CWC 13381]
3. *Material change:* Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the Discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:
 - (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
 - (b) Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
 - (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
 - (d) Increase in flow beyond that specified in the waste discharge requirements.
 - (e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CWC 13376, 13264, 23 CCR 2210]
 - (f) Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated.
 - (g) Any new discharge of pollutants or new potential pollutant source.

(h) Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13264, 23 CCR 2210]

4. *Transfers*: When this permit is transferred to a new owner or operator, such requirements as may be necessary under the California Water Code may be incorporated into this permit.
5. *Conditions not stayed*: The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.
6. *Availability*: A copy of this Order shall be kept at a readily accessible location and shall be available to on-site personnel at all times.
7. *Duty to minimize or correct adverse impacts*: The Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
8. *Responsibilities, liabilities, legal action, penalties*: The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385, 13387]

Nothing in this Order shall be construed to protect the Discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the Discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties to which the Discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.

9. *Noncompliance*: Any noncompliance with this permit constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. (Also, see 40CFR 122.41 (a))
10. *Discharge is a privilege*: No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. {CWC 13263(g)}
11. *Permittee*: For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "Discharger" used elsewhere in this permit.

12. *Director*: For the purposes of this permit, the term "Director" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "SDRWQCB" used elsewhere in this permit, except that in 40CFR 122.41(h) & (I), "Director" shall mean "SDRWQCB, SWRCB, and USEPA."
13. *Effective date*: This Order shall become effective ten days after the date of its adoption provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
14. *Continuation of expired permit*: After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40CFR 122.6, 23 CCR 2235.4]
15. *Applications*: Any application submitted by the Discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
16. *Confidentiality*: Except as provided for in 40CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the offices of the SDRWQCB.
17. *Severability*: The provisions of this order are severable, and if any provision of this order, or the application of any provisions of this order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this order shall not be affected thereby.
18. *Discharge Monitoring Quality Assurance (DMQA) Program*: The Discharger shall conduct appropriate analyses on any sample provided by EPA as part of the DMQA program. The results of such analyses shall be submitted to EPA's DMQA manager. [SWRCB/USEPA 106 MOA]
19. *Pollution, Contamination, Nuisance*: The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.